

AMENDED IN SENATE MAY 8, 2003

SENATE BILL

No. 298

Introduced by Senator Dunn

February 19, 2003

~~An act to amend Section 3050 of the Vehicle Code, relating to~~ *An act relating to vehicles.*

LEGISLATIVE COUNSEL'S DIGEST

SB 298, as amended, Dunn. Vehicles: New Motor Vehicle Board: powers and duties.

Existing law requires the New Motor Vehicle Board to consider any matter submitted by any person concerning the activities or practices of any person applying for or holding a license as a new motor vehicle dealer, manufacturer, manufacturer branch, distributor, distributor branch, or representative. After that consideration, the board is authorized, among other things, to undertake to mediate, arbitrate, or otherwise resolve any honest difference of opinion or viewpoint existing between any member of the public and any new motor vehicle dealer, manufacturer, manufacturer branch, distributor branch, or representative.

This bill would ~~make technical, clarifying changes in existing law set forth a finding and declaration of the Legislature that it is the intent of the Legislature to review the jurisdiction of the board in light of conflicting trial court and state court of appeal decisions.~~

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

~~SECTION 1.—Section 3050 of the Vehicle Code is amended to~~
SECTION 1. The Legislature hereby finds and declares that it
is the intent of the Legislature to review the jurisdiction of the New
Motor Vehicle Board in light of conflicting trial court and state
court of appeal decisions.

~~read:~~

~~3050.—The board shall do all of the following:~~

~~(a) Adopt rules and regulations in accordance with Chapter 3.5~~
~~(commencing with Section 11340) of Part 1 of Division 3 of Title~~
~~2 of the Government Code governing those matters that are~~
~~specifically committed to its jurisdiction.~~

~~(b) Hear and determine, within the limitations and in~~
~~accordance with the procedure provided, an appeal presented by~~
~~an applicant for, or holder of, a license as a new motor vehicle~~
~~dealer, manufacturer, manufacturer branch, distributor, distributor~~
~~branch, or representative when the applicant or licensee submits~~
~~an appeal provided for in this chapter from a decision arising out~~
~~of the department.~~

~~(c) Consider any matter submitted by any person concerning~~
~~the activities or practices of any person applying for or holding a~~
~~license as a new motor vehicle dealer, manufacturer, manufacturer~~
~~branch, distributor, distributor branch, or representative pursuant~~
~~to Chapter 4 (commencing with Section 11700) of Division 5. A~~
~~member of the board who is a new motor vehicle dealer may not~~
~~participate in, hear, comment, advise other members upon, or~~
~~decide any matter considered by the board pursuant to this~~
~~subdivision that involves a dispute between a franchisee and~~
~~franchisor. After that consideration, the board may do any one or~~
~~any combination of the following:~~

~~(1) Direct the department to conduct investigation of matters~~
~~that the board deems reasonable, and make a written report on the~~
~~results of the investigation to the board within the time specified~~
~~by the board.~~

~~(2) Undertake to mediate, arbitrate, or otherwise resolve any~~
~~honest difference of opinion or viewpoint existing between any~~
~~person and any new motor vehicle dealer, manufacturer,~~
~~manufacturer branch, distributor branch, or representative.~~

1 ~~(3) Order the department to exercise any and all authority or~~
2 ~~power that the department may have with respect to the issuance,~~
3 ~~renewal, refusal to renew, suspension, or revocation of the license~~
4 ~~of any new motor vehicle dealer, manufacturer, manufacturer~~
5 ~~branch, distributor, distributor branch, or representative as that~~
6 ~~license is required under Chapter 4 (commencing with Section~~
7 ~~11700) of Division 5.~~

8 ~~(d) Hear and decide, within the limitations and in accordance~~
9 ~~with the procedure provided, a protest presented by a franchisee~~
10 ~~pursuant to Section 3060, 3062, 3064, 3065, or 3065.1. A member~~
11 ~~of the board who is a new motor vehicle dealer may not participate~~
12 ~~in, hear, comment, advise other members upon, or decide, any~~
13 ~~matter involving a protest filed pursuant to Article 4 (commencing~~
14 ~~with Section 3060), unless all parties to the protest stipulate~~
15 ~~otherwise.~~

16 ~~(e) Notwithstanding subdivisions (c) and (d), the courts have~~
17 ~~jurisdiction over all common law and statutory claims originally~~
18 ~~cognizable in the courts. For those claims, a party may initiate an~~
19 ~~action directly in any court of competent jurisdiction.~~

